

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

STEPHEN E. EBERHARDT,

Plaintiff,

vs.

VILLAGE OF TINLEY PARK,  
JACOB C. VANDENBERG, KRISTIN A.  
THIRION, MICHAEL W. GLOTZ, DAVID J.  
NIEMEYER, PATRICK CARR, TERICA  
KETCHUM, BETH MCKERNAN,  
KENNETH SHAW, NANCY O'CONNOR,  
and PATRICK J. WALSH, d/b/a WALSH  
LAW GROUP, P.C.,

Defendants.

Case No. 1:20-cv-01171

**AFFIDAVIT OF JOSEPH H. MCMAHON**

I, JOSEPH H. MCMAHON, being duly sworn and under oath, do attest on personal knowledge that the following facts are true and accurate:

1. My name is Joseph H. McMahon. I am an attorney in good standing within the State of Illinois since 1992. If called upon to do so, I could testify competently about the facts and opinion set forth in this affidavit.

2. In 1988, I graduated from The University of Iowa with a bachelor of business. In 1992, I earned a juris doctor from The John Marshall Law School. In 2006, I graduated from the University of Notre Dame with a Master of Business Administration.

3. I began working in private practice at Querrey & Harrow and later at Hinshaw & Culbertson. While in private practice, I specialized in defense of complex litigation.

4. In 2010, I was elected to the position of State's Attorney for Kane County, Illinois. As the State's Attorney, I was directly involved in the defense of civil matters in the areas of labor



and employment, civil rights, environmental matters, zoning and development and litigation in both state and federal courts.

5. I was also the Illinois state director for the National District Attorney's Association and served on its executive committee where I developed a non-partisan coalition that includes members of Congress, the United States Department of Justice, members of the Illinois General Assembly and state and federal prosecutors across the country.

6. In 2021, I left public service to become a founding partner of Griffin Williams McMahon & Walsh, LLP. Griffin Williams McMahon & Walsh, LLP employs eight attorneys that specialize in various areas of litigation, including constitutional and municipal law.

7. Through my nearly 30 years of litigation experience, I have become very familiar with the market rates for attorneys of varying experience in Chicago handling civil rights litigation with fee-shifting provisions. I have also recently reviewed the 2015-2017 Laffey Matrix.

8. Patrick Griffin was admitted to practice in the State of Illinois and the United States District Court for the Northern District of Illinois in 1995.

9. I have personally worked with Mr. Griffin as co-counsel on numerous matters, including litigation defense. Given my work with him, I know Mr. Griffin is an exceptionally skilled attorney with substantial experience over the past 26 years.

10. Mr. Griffin informs me that he is claiming an hourly rate of \$400.00 for professional services performed in connection with the above-captioned litigation.

11. Based upon my experience in litigation, in working with Mr. Griffin in litigation defense matters previously, in supervising the attorneys at Griffin Williams McMahon & Walsh, my supervisory duties with the Kane County Attorney's Office, my knowledge of market rates for attorneys in such matters and Mr. Griffin's skill in such matters, \$400.00 per hour is not, in my

opinion, only reasonable and consistent with market rates in federal litigation but is somewhat conservative.

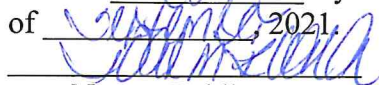
Further affiant sayeth not.

**Verification**

I, JOSEPH H. MCMAHON do hereby declare that the contents of this affidavit are true and correct under penalty of perjury.

  
JOSEPH H. MCMAHON, ESQ.

Signed and sworn to before  
me this 30th day  
of September, 2021.

  
\_\_\_\_\_  
Notary Public



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STEPHEN E. EBERHARDT,

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and PATRICK J. WALSH, d/b/a WALSH  
LAW GROUP, P.C.,

Defendants.

Case No. 1:20-cv-01171

**AFFIDAVIT OF PATRICK M. GRIFFIN**

I, PATRICK M. GRIFFIN, being duly sworn and under oath, do attest on personal knowledge that the following facts are true and accurate:

1. My name is Patrick M. Griffin. I am an attorney in good standing within the State of Illinois and have been since 1995. If called upon to do so, I could testify competently about the facts and opinion set forth in this affidavit.

2. In 1991, I graduated from The University of Illinois with a B.S. in architecture. In 1995, I earned a juris doctor from Northern Illinois University College of Law. While there, I served as Editor-in-Chief of the Law Review.

3. I began my legal career as an associate with Shearer, Blood, Agrella & Boose in St. Charles, Illinois. In 2011, I joined with Richard Williams and now Judge Robert Villa to form Griffin Villa Williams, LLP. When Judge Villa took the bench, the firm became Griffin Williams,



LLP. In 2021, Patrick Walsh and Joseph McMahon joined to form Griffin Williams McMahon & Walsh, LLP.

4. Griffin Williams McMahon & Walsh, LLP employs eight attorneys, support staff and law students. My duties at Griffin Williams McMahon & Walsh, LLP include supervising four associate attorneys, staff, and law students.

5. I have experience in litigating a wide range of civil matters in state and federal court including civil rights, zoning, commercial transactions, and RICO and ERISA claims.

6. Griffin Williams McMahon & Walsh, LLP charges attorney fees at varying rates for professional services depending on the experience of the attorney and complexity of the matter. Our firm would charge at least \$400.00 per hour for professional services to defend federal civil litigation of the nature filed by Mr. Eberhardt.

7. Moreover, our paralegal Joan Rocha has over 20 years' experience. We bill her services at \$60.00 per hour, which is commensurate for someone of her experience.

Further affiant sayeth not.

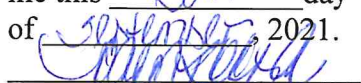
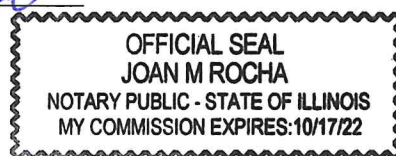
**Verification**

I, PATRICK M. GRIFFIN do hereby declare that the contents of this affidavit are true and correct under penalty of perjury.



PATRICK M. GRIFFIN, ESQ.

Signed and sworn to before  
me this 30th day  
of September, 2021.

  
Notary Public

**USAO ATTORNEY'S FEES MATRIX — 2015-2021***Revised Methodology starting with 2015-2016 Year*

Years (Hourly Rate for June 1 – May 31, based on change in PPI-OL since January 2011)

Experience	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
31+ years	568	581	602	613	637	665
21-30 years	530	543	563	572	595	621
16-20 years	504	516	536	544	566	591
11-15 years	455	465	483	491	510	532
8-10 years	386	395	410	417	433	452
6-7 years	332	339	352	358	372	388
4-5 years	325	332	346	351	365	380
2-3 years	315	322	334	340	353	369
Less than 2 years	284	291	302	307	319	333
Paralegals & Law Clerks	154	157	164	166	173	180

*Explanatory Notes*

1. This matrix of hourly rates for attorneys of varying experience levels and paralegals/law clerks has been prepared by the Civil Division of the United States Attorney's Office for the District of Columbia (USAO) to evaluate requests for attorney's fees in civil cases in District of Columbia courts. The matrix is intended for use in cases in which a fee-shifting statute permits the prevailing party to recover "reasonable" attorney's fees. *See, e.g.*, 42 U.S.C. § 2000e-5(k) (Title VII of the 1964 Civil Rights Act); 5 U.S.C. § 552(a)(4)(E) (Freedom of Information Act); 28 U.S.C. § 2412(b) (Equal Access to Justice Act). The matrix has not been adopted by the Department of Justice generally for use outside the District of Columbia, or by other Department of Justice components, or in other kinds of cases. The matrix does **not** apply to cases in which the hourly rate is limited by statute. *See* 28 U.S.C. § 2412(d).
2. A "reasonable fee" is a fee that is sufficient to attract an adequate supply of capable counsel for meritorious cases. *See, e.g., Perdue v. Kenny A. ex rel. Winn*, 559 U.S. 542, 552 (2010). Consistent with that definition, the hourly rates in the above matrix were calculated from average hourly rates reported in 2011 survey data for the D.C. metropolitan area, which rates were adjusted for inflation with the Producer Price Index-Office of Lawyers (PPI-OL) index. The survey data comes from ALM Legal Intelligence's 2010 & 2011 Survey of Law Firm Economics. The PPI-OL index is available at <http://www.bls.gov/ppi>. On that page, under "PPI Databases," and "Industry Data (Producer Price Index - PPI)," select either "one screen" or "multi-screen" and in the resulting window use "industry code" 541110 for "Offices of Lawyers" and "product code" 541110541110 for "Offices of Lawyers." The average hourly rates from the 2011 survey data are multiplied by the PPI-OL index for May in the year of the update, divided by 176.6, which is the PPI-OL index for January 2011, the month of the survey data, and then rounding to the nearest whole dollar (up if remainder is 50¢ or more).
3. The PPI-OL index has been adopted as the inflator for hourly rates because it better reflects the mix of legal services that law firms collectively offer, as opposed to the legal services that typical consumers use, which is what the CPI-

Legal Services index measures. Although it is a national index, and not a local one, *cf. Eley v. District of Columbia*, 793 F.3d 97, 102 (D.C. Cir. 2015) (noting criticism of national inflation index), the PPI-OL index has historically been generous relative to other possibly applicable inflation indexes, and so its use should minimize disputes about whether the inflator is sufficient.

4. The methodology used to compute the rates in this matrix replaces that used prior to 2015, which started with the matrix of hourly rates developed in *Laffey v. Northwest Airlines, Inc.* 572 F. Supp. 354 (D.D.C. 1983), *aff'd in part, rev'd in part on other grounds*, 746 F.2d 4 (D.C. Cir. 1984), *cert. denied*, 472 U.S. 1021 (1985), and then adjusted those rates based on the Consumer Price Index for All Urban Consumers (CPI-U) for the Washington-Baltimore (DC-MD-VA-WV) area. The USAO rates for years prior to and including 2014-15 remains the same as previously published on the USAO's public website.
5. The various "brackets" in the column headed "Experience" refer to the attorney's years of experience practicing law. Normally, an attorney's experience will be calculated starting from the attorney's graduation from law school. Thus, the "Less than 2 years" bracket is generally applicable to attorneys in their first and second years after graduation from law school, and the "2-3 years" bracket generally becomes applicable on the second anniversary of the attorney's graduation (*i.e.*, at the beginning of the third year following law school). *See Laffey*, 572 F. Supp. at 371. An adjustment may be necessary, however, if the attorney's admission to the bar was significantly delayed or the attorney did not otherwise follow a typical career progression. *See, e.g., EPIC v. Dep't of Homeland Sec.*, 999 F. Supp. 2d 61, 70-71 (D.D.C. 2013) (attorney not admitted to bar compensated at "Paralegals & Law Clerks" rate); *EPIC v. Dep't of Homeland Sec.*, 982 F. Supp. 2d 56, 60-61 (D.D.C. 2013) (same). The various experience levels were selected by relying on the levels in the ALM Legal Intelligence 2011 survey data. Although finer gradations in experience level might yield different estimates of market rates, it is important to have statistically sufficient sample sizes for each experience level. The experience categories in the current USAO Matrix are based on statistically significant sample sizes for each experience level.
6. ALM Legal Intelligence's 2011 survey data does not include rates for paralegals and law clerks. Unless and until reliable survey data about actual paralegal/law clerk rates in the D.C. metropolitan area become available, the USAO will compute the hourly rate for Paralegals & Law Clerks using the most recent historical rate from the USAO's former *Laffey* Matrix (*i.e.*, \$150 for 2014-15) updated with the PPI-OL index. The formula is \$150 multiplied by the PPI-OL index for May in the year of the update, divided by 194.3 (the PPI-OL index for May 2014), and then rounding to the nearest whole dollar (up if remainder is 50¢ or more).
7. The attorney's fees matrices issued by the United States Attorney's Office are intended to facilitate the settlement of attorney's fees claims in actions in which the United States may be liable to pay attorney's fees to the prevailing party and the United States Attorney's Office is handling the matter. The United States Attorney's Office is presently working to develop a revised rate schedule, based upon current, realized rates paid to attorneys handling complex federal litigation in the District of Columbia federal courts. This effort is motivated in part by the D.C. Circuit's urging the development of "a reliable assessment of fees charged for complex federal litigation in the District." *D.L. v. District of Columbia*, 924 F.3d 585, 595 (D.C. Cir. 2019). This new matrix should address the issues identified by the majority in *D.L.*, but it is expected that it will be some time before a new matrix can be prepared. In the interim, for matters in which a prevailing party agrees to payment pursuant to the matrices issued by the United States Attorney's Office, the United States Attorney's Office will not demand that a prevailing party offer the additional evidence that the law otherwise requires. *See Eley*, 793 F.3d at 104 (quoting *Covington v. District of Columbia*, 57 F.3d 1101, 1109 (D.C. Cir. 1995)) (requiring "evidence that [the] 'requested rates are in line with those prevailing in the community for similar services'").